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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/040,509	03/17/98	KATZ	R 233-134

RONALD A. KATZ  
TECHNOLOGY LICENSING, L.P.  
9200 SUNSET BLVD.  
SUITE 1005  
LOS ANGELES CA 90069

WM02/1031

EXAMINER
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WOO, S

ART UNIT	PAPER NUMBER
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2643

27

DATE MAILED:

10/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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# Office Action Summary

Application No.  
09/040,509

Applicant(s)  
Katz

Examiner  
Stella Woo

Art Unit  
2643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 12, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 29-42 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_



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### DETAILED ACTION

1. The request filed on October 12, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/040,509 is acceptable and a CPA has been established. An action on the CPA follows.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the publication entitled "The AT&T Multi-Mode Voice Systems - Full Spectrum Solutions for Speech Processing Applications" (hereinafter "Hester") in view of Szlam et al. (USPN 4,797,911, hereinafter "Szlam") for the same reasons given in the last Office action and repeated below.

Hester discloses a process including the steps of:

receiving said call data signals (DNIS; page 3, second paragraph);  
providing verbal prompts (via voice response unit; Fig. 1);  
receiving data (via Touch-Tone input or recognized voice input; page 1, second paragraph; page 2, last paragraph; page 6, Application Example);  
providing a data base computer (host computer with customer database; page 3, third paragraph) including verification means (note credit card verification, sales order entry, etc.; page 1, first paragraph). Hester clearly provides for various applications in which data received



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from callers would have to be stored in an identifiable relationship to the callers, namely, reservations and sales order entry (page 1, first paragraph).

Hester differs from claims 29-35 in that it does not explicitly provide for updating callers' files and receiving caller identification signals entered by the caller. However, Szlam, from the same field of endeavor, teaches the desirability of storing an historical record for each calling customer (customer account information is stored in mainframe 16), updating the customer's files for subsequent processing (col. 11, lines 10-28; col. 12, lines 29-66; col. 13, lines 22-42), and receiving a caller's telephone number via ANI or DTMF key input (voice message played depends on whether the identified customer has an established account and customer input; col. 12, line 9 - col. 13, line 54) such that it would have been obvious to an artisan of ordinary skill to incorporate such updating of files and caller identification, as taught by Szlam, within the method of Hester in order to identify the customer, maintain current customer information, keep a record of each call and allow customers to change a previous order.

Regarding claim 32, note attendant line interface (Fig. 1).

4. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hester in view of Szlam, and further in view of Riskin (USPN 4,757,267) for the same reasons given in the last Office action and repeated below.

Hester discloses a process including the steps of:

receiving said call data signals (DNIS; page 3, second paragraph);

providing verbal prompts (via voice response unit; Fig. 1);



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receiving data (via Touch-Tone input or recognized voice input; page 1, second paragraph; page 2, last paragraph; page 6, Application Example);

providing a data base computer (host computer with customer database; page 3, third paragraph) including verification means (note credit card verification, sales order entry, etc.; page 1, first paragraph). Hester clearly provides for various applications in which data received from callers would have to be stored in an identifiable relationship to the callers, namely, reservations and sales order entry (page 1, first paragraph).

Hester differs from claims 33-35 in that it does not explicitly provide for updating callers' files. However, Szlam, from the same field of endeavor, teaches the desirability of storing an historical record for each calling customer (customer account information is stored in mainframe 16) and updating the customer's files for subsequent processing (col. 11, lines 10-28; col. 12, lines 29-66; col. 13, lines 22-42) such that it would have been obvious to an artisan of ordinary skill to incorporate such updating of files, as taught by Szlam, within the method of Hester in order to maintain current customer information, keep a record of each call and allow customers to change a previous order.

The combination of Hester and Szlam further differs from claims 33-35 in that it does not specify generating sequence data relating to transactions. However, Riskin teaches the desirability of generating sequence numbers to identify each call (note sequential control number; col. 17, line 35 - col. 18, line 13) such that it would have been obvious to an artisan of ordinary skill to



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incorporate the use of such a sequential control number, as taught by Riskin, within the combination of Hester and Szlam in order to maintain a record of each call.

5. Claims 36-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hester and Szlam, and further in view of Barger, Jr. et al. (USPN 4,071,698, hereinafter "Barger") for the same reasons given in the last Office action and repeated below.

Hester discloses a process including the steps of:

receiving said call data signals (DNIS; page 3, second paragraph);

providing verbal prompts (via voice response unit; Fig. 1);

receiving data (via Touch-Tone input or recognized voice input; page 1, second paragraph; page 2, last paragraph; page 6, Application Example);

providing a data base computer (host computer with customer database; page 3, third paragraph) including verification means (note credit card verification, sales order entry, etc.; page 1, first paragraph). Hester clearly provides for various applications in which data received from callers would have to be stored in an identifiable relationship to the callers, namely, reservations and sales order entry (page 1, first paragraph).

Hester differs from claims 36-42 in that it does not explicitly provide for updating callers' files. However, Szlam, from the same field of endeavor, teaches the desirability of storing an historical record for each calling customer (customer account information is stored in mainframe 16) and updating the customer's files for subsequent processing (col. 11, lines 10-28; col. 12, lines 29-66; col. 13, lines 22-42) such that it would have been obvious to an artisan of



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ordinary skill to incorporate such updating of files, as taught by Szlam, within the method of Hester in order to maintain current customer information, keep a record of each call and allow customers to change a previous order.

The combination of Hester and Szlam differs from claims 36-42 in that it does not specify defining a limit on use. However, Barger teaches the desirability of defining a limit on the number of uses by identified callers in an interactive voice-telephony system (col. 11, lines 34-47) such that it would have been obvious to an artisan of ordinary skill to incorporate the limited use feature, as taught by Barger, within the combination of Hester and Szlam in order to prevent overuse by a single caller.

Regarding claims 41 and 42, Szlam provides for identifying customers using ANI information (via ANI decoder 10a28).

6. Applicant's arguments filed December 26, 2000 regarding claims 36-42 have been fully considered but they are not persuasive.

Applicant argues that neither of the three references (Hester, Szlam or Barger), alone or in combination, teach the particular feature of "testing calling number identification data to specify a basis for entitlement defining a limit on use..." The examiner disagrees. In the combination of Hester and Szlam, the calling customer's account is identified by the caller's telephone number (Szlam, col. 12, lines 29-42) and Barger limits the number of uses based on the calling customer's identification (col. 11, lines 18-47) such that the combination of Hester, Szlam and Barger would result in a use limit placed on calling customers, as identified by their calling number identification.



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7. This is a continuation of applicant's earlier Application No. 09/040,509. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. **Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-6306 or (703) 308-6296;



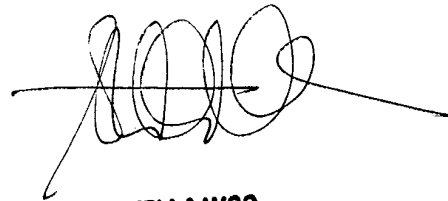
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(for formal communications, please mark "EXPEDITED PROCEDURE";  
and for informal or draft communications, please label "PROPOSED" or  
"DRAFT").

9. Any inquiry concerning this communication or earlier communications from the examiner  
should be directed to Stella Woo whose telephone number is (703) 305-4395.

October 29, 2001

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

**STELLA WOO  
PRIMARY EXAMINER**